

Notice of Allowability

Application No.

10/039,649

Examiner

Guy J. Lamarre

Applicant(s)

CAVIN, ROBERT D.

Art Unit

2133

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 17 Jan. 2006 and 11/07/05.
2. ☒ The allowed claim(s) is/are 17-21, 26-33, 43-44, now renumbered 1-15.
3. ☒ The drawings filed on 31 December 2001 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date 1/17/06.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.



Guy J. Lamarre, P.E.
Primary Examiner
1/22/2006

Examiner's Amendment & Reasons For Allowance

* This office action is in response to Applicants' Amendments of 11/07/05 and Telephone interview of 17 Jan. 2006.

Examiner's Amendment

* An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Shereen Baker on 17 Jan. 2006.

The following has been amended:

Claims 34-42 are cancelled without prejudice.

Reasons For Allowance

* **Claims 21, 26, 32, 44** are amended, **Claims 34-42** are thus cancelled. **Claims 17-21, 26-33, 43-44** remain pending.

* The prior art rejections of record are withdrawn in response to Applicants' Amendment.

1. **Claims 17-21, 26-33, 43-44** are allowable over the prior art.

1.1 The following is an Examiner's statement of reasons for the indication of allowable subject matter: the prior art is exemplified by **Chheda et al.** (US Patent No. 6898192) and **Voois et al.** (US Patent No. 6404776).

Chheda et al. discloses transmission parameter selection techniques for mobile communications wherein parameter selection of transmission power levels and data transfer rates is based on noise threshold, or error rate/bit error rate threshold, e.g., Figs. 5-6 and col. 2 line 52 – col. 3 line 19 et seq.

Voois et al. discloses data packet processing comprising logic to adaptively vary data rates and packet sizes wherein transmission rate/packet size is adjusted based on detected transmission error/corruption rate or on modem available channel bandwidth, e.g., Fig. 8 and related description.

However, Chheda and Voois et al. do not teach or suggest the combination of claim elements including at least:

logic to step down transfer rate (**Claims 17-21, 26-28**)

or increasing the transmission rate (**Claims 29-33, 43-44**)

if an intermittent interference is detected for the specific packets described therein.

1.2 Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

* Any response to this action should be mailed to:

Commissioner of Patents and Trademarks, Washington, D.C. 20231

or faxed to: (571) 273-8300 for all formal communications.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Guy J. Lamarre, P.E., whose telephone number is (571) 272-3826. The examiner can normally be reached on Monday to Friday from 9:30 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Albert De Cady, can be reached at (571) 272-3819.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (571) 272-3609.

Art Unit: 2133

Information regarding the status of an application may also be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Guy J. Lamarre, P.E
Primary Examiner
1/22/2006
